

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul A. Stucky
Serial Number: 10/598,044
Filed: 08/16/2006
Group Art Unit: 2837
Examiner: Chan, Kawing
Confirmation No.: 9489
Title: ELECTRICAL SIGNAL APPLICATION STRATEGIES
FOR MONITORING A CONDITION OF AN ELEVATOR
LOAD BEARING MEMBER

RESPONSE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Non-Final Office Action mailed on November 16, 2009.
Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejections under 35 U.S.C. §103, each of which is based upon the proposed combination of the *Robar* and *Bernard, et al.* references. There is no *prima facie* case of obviousness. The proposed combination would modify the *Robar* reference in a way that would remove an intended feature from it and cause it to operate in a manner that is essentially the opposite of how it is intended to operate. MPEP 2143.01(V) and (VI) indicate

that a modification to a reference that would change its principle of operation, remove an intended feature from it or interfere with its ability to perform as it is intended to perform cannot be made for purposes of attempting to manufacture a *prima facie* case of obviousness.

In this case, the *Robar* reference requires using a constant current. The Examiner proposes to replace that with pulsed current from the *Bernard, et al.* reference. That change cannot be made because it would remove the constant current (i.e., an intended feature) from the *Robar* reference. Additionally, it would cause the *Robar* reference to work in essentially an opposite manner compared to how it is intended to work. Intermittent pulses of current are essentially the opposite of a constant current. Therefore, the proposed combination cannot be made.

Additionally, the *Bernard, et al.* reference does not have any relevance to monitoring the condition of a tension member in an elevator system. Instead, the arrangement in the *Bernard, et al.* reference is intended to determine a particular kind of fluid such as kerosene flowing in a conduit 10. Current is applied to the wire in the *Bernard, et al.* reference using current pulses. The arrangement in the *Bernard, et al.* reference measures a cooling speed of the wire during the time between the pulses. That approach does not have any usefulness in the context of the *Robar* reference. Therefore, there would be no benefit or reason to incorporate the pulses from the *Bernard, et al.* reference into the *Robar* reference. Without any benefit from the proposed combination, there is no reason for making it as required under the law. Therefore, there is no *prima facie* case of obviousness.

Any one of the reasons given above indicates that there is no *prima facie* case of obviousness. The rejections under 35 U.S.C. §103 all must be withdrawn. Every one of the rejections depends upon the proposed combination of the *Robar* and *Bernard, et al.* references.